

AGENDA

FRANKLIN CITY COUNCIL

MONDAY, AUGUST 12, 2013 – CITY HALL COUNCIL CHAMBERS – 207 W. SECOND AVENUE

7:00 P.M.**REGULAR MEETING**

CALL TO ORDER. . . . MAYOR RAYSTINE D. JOHNSON-ASHBURN
PLEASE TURN OFF CELL PHONES . . . MAYOR RAYSTINE D. JOHNSON-ASHBURN
INVOCATION WARD 5
PLEDGE OF ALLEGIANCE

INTRODUCTION OF NEW EMPLOYEES –
Community Development – Elizabeth (Beth) Lewis and Lee Copeland
Parks & Recreation – Brenon Artis
Police Department – Kyle Niles, Mario Hunter and James Ebert
Social Services – Irma E. Brown

CITIZENS' TIME

AMENDMENTS TO AGENDA

1. **CONSENT AGENDA**
 - A. Resolution for Special Recognition of a Retiree (Nancy Layman)
 - B. Minutes from July 22, 2013 Regular City Council Meeting
2. **FINANCIAL:**
 - A. Preliminary FY 2012-2013 End of Year Financial Report
3. **OLD/NEW BUSINESS**
 - A. Farm Lease Discussion for Pretlow Industrial Park
 - B. City Manager's Report
4. **COUNCIL/STAFF REPORTS ON BOARDS AND COMMISSIONS**
5. **CLOSED SESSION** – I move that the Franklin City Council meet in closed session to discuss and consider appointments to boards and commissions and to discuss a prospective business or industry locating in the City of Franklin, where no previous announcement has been made of the business' or industry's interest in locating in the City, pursuant to Virginia Code Section 2.2-3711 (A) (1) and (5).

Motion Upon Returning to Open Session: I move that the only matters discussed during the session were those lawfully exempted from open meeting requirements and identified in the motion by which the closed session was convened.

6. **ADJOURN**

UPCOMING ITEMS TO BE SCHEDULED...

The items below are intended to be reflective, and not inclusive of all subjects staff is working on to bring forward to City Council in the next two months. Both the time lines and subject matter are subject to change and should not be considered final.

SUBJECT**TENTATIVE TIME LINE****Shared Services Agreement with Southampton County****TBD****Paid Time Off (PTO) Policy Discussion****TBD****Part- Time Employee Policy****TBD**

CONSENT AGENDA

- A. Resolution for Special Recognition of a Retiree (Nancy Layman)**
- B. Minutes from July 22, 2013 Regular City Council Meeting**



Resolution of Appreciation *To* *Nancy H. Layman*

WHEREAS, Nancy H. Layman has faithfully served the City of Franklin beginning on February 2, 1978, and ending her service on July 1, 2013 as an Accounting Supervisor; and

WHEREAS, Nancy H. Layman diligently delivered safe and quality workmanship. Mrs. Layman continually displayed a cooperative spirit, was loyal and dependable as well as a willing teacher to her co-workers.

WHEREAS, Nancy H. Layman has exhibited guidance and wisdom through her position for the Finance Department; and,

WHEREAS, her prudent judgment and warm personal demeanor have facilitated her accomplishments and have earned for her the respect of the community and her peers; and

WHEREAS, the City of Franklin commends Nancy H. Layman for her generous and devoted service to this City and wishes her well in all her future endeavors.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin City Council Honors the Exceptional Service of Nancy H. Layman.

AND, FURTHER RESOLVED, that a copy of this Resolution be spread upon the minutes of this meeting of the Franklin City Council as visible evidence of the high esteem in which this Council and the Citizens of the City of Franklin hold Nancy H. Layman thereby forever preserving and recording its gratitude.

Adopted: August 12, 2013

Mayor Raystine D. Johnson-Ashburn

Closed Session

The Franklin City Council held a Closed Session meeting on Monday, July 22, 2013, at 6:00 p.m. in the Council Chambers, 207 West Second Avenue.

Council Members in Attendance: Raystine D. Johnson-Ashburn, Mayor; Barry Cheatham, Vice-Mayor; Mary Hilliard, and Mona Murphy (Councilmen McLemore, Burgess and Blythe absent).

Staff in Attendance at Closed Session: Randy Martin, City Manager; Taylor Williams, City Attorney; and Amanda Jarratt, President & CEO of Franklin Southampton Economic Development, Inc.

CLOSED SESSION – Vice-Mayor Cheatham moved that the Franklin City Council meet in Closed Session to include a discussion of an employee evaluation, to consider appointments to boards and commissions and to discuss a prospective business or industry locating in the City of Franklin, where no previous announcement has been made of the business’ or industry’s interest in locating in the City, and for a consultation with pursuant to Virginia Code Section 2.2-3711 (A) (1) and (5). The motion was seconded by Councilwoman Hilliard and passed with a 4-0 vote (Councilmen McLemore, Burgess and Blythe absent).

Regular City Council Meeting

Staff in Attendance at 7:00 p.m. when the Regular City Council Meeting Convened: Randy Martin, City Manager; Taylor Williams, City Attorney; Russ Pace, Director of Public Works; Jen Maynard, Registrar; Vince Holt, Chief of Emergency Services; Dan Howe, Director of Downtown Development; Dinah Babb, Treasurer; Brenda Rickman, Commissioner of Revenue; Mark Bly, Director of Power & Light; Frank Davis, Director of Parks & Recreation; Phil Hardison, Chief of Police and Alan Hogge, Director of Social Services.

Other Staff in Attendance: Chad Edwards, Deputy Director of Public Works and Randall Bailey, Police Officer.

CALL TO ORDER

The Regular City Council Meeting was called to order by Mayor Johnson-Ashburn at 7:00 p.m.

INVOCATION

The Invocation was offered by Councilwoman Murphy.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by everyone in attendance.

Mayor Johnson-Ashburn asked for a motion to return to Open Session from the 6:00 p.m. Closed Session.

Motion Upon Returning to Open Session: Councilwoman Hilliard moved that the only matters discussed during the session were those lawfully exempted from open meeting requirements and identified in the motion by which the Closed Session was convened. The motion was seconded by Vice-Mayor Cheatham and passed with a 4-0 vote (Councilmen McLemore, Burgess and Blythe absent).

CITIZEN'S TIME

Herman Parker who resides at 303 North High Street apologized to Council for his previous statements directed toward the Mayor, Council and others present.

Mayor Johnson-Ashburn accepted Mr. Parker's apology on the behalf of Council and herself.

AMENDMENTS TO AGENDA

Mayor Johnson-Ashburn asked if there were any amendments to the Agenda.

There were no amendments to the agenda.

CONSENT AGENDA

Minutes from July 8, 2013 Regular City Council Meeting

Mayor asked if there were any corrections or questions concerning the minutes from the July 8, 2013 regular City Council Meeting; there being none she asked for a motion.

A motion was made by Councilwoman Murphy to adopt the minutes from the July 8, 2013 regular City Council Meeting. The motion was seconded by Councilwoman Hilliard and passed with a 4-0 vote (Councilman McLemore, Burgess and Blythe absent).

Councilman McLemore arrived at approximately 7:15 p.m.

Proclamation – National Night Out 2013 (August 6, 2013)

Mayor Johnson-Ashburn asked Vice-Mayor Cheatham to read the National Night Out 2013 Proclamation which is to proclaim Tuesday, August 6, 2013 as "National Night Out" in the City of Franklin, Virginia.

A motion was made by Vice-Mayor Cheatham to accept the National Night Out 2013 Proclamation. The motion was seconded by Councilwoman Hilliard and passed with a 5-0 vote (Councilmen Burgess and Blythe absent).

Departmental Reports for June 2013

Mayor Johnson-Ashburn asked for comments or questions concerning the Departmental Reports.

There were none.

FINANCIAL

Mayor Johnson-Ashburn announced the preliminary FY 2012-2013 End of Year Financial Report would be available and reviewed at the August 12, 2013 City Council Meeting.

OLD/NEW BUSINESS

Non-Binding SPSA Resolution

This Resolution authorizes staff to continue to work toward a decision on action to be taken by the City regarding disposal of our municipal solid waste after January 24, 2018. The Resolution contemplates evaluating continued participation in the SPSA Organization post 2018 by meeting with the other SPSA communities to work on a mutually acceptable Use and Support Agreement for Post 2018.

City Attorney Williams introduced Everett Williams, the Governor's Representative on the SPSA Board of Directors. Mr. Everett Williams, who represents the City of Franklin on the SPSA Board, commented on the Non-Binding SPSA Resolution. He stated SPSA organization is in good shape currently. The tonnage delivered to SPSA is at a cost of \$125.00 a ton which was \$170.00 a few years ago. The current goal of SPSA is by January 24, 2018, all cash receivables and debt will be paid and the outstanding debt balance will be at \$0.00. Mr. Everett Williams endorses this Resolution.

City Attorney Williams stated it might be a viable option to landfill our waste with SPSA since the City will not be sending its waste to a Waste Energy Plant due to the fact that our volume is too small, the distance to great and our waste is not processed correctly. The question is where the City of Franklin will send their waste post 2018. Vice-Mayor Cheatham stated that the City needs to stay at the table to see what options are available and preserve the assets that we have paid \$170.00 a ton for. He also stated SPSA might be the solution but the City will not know this unless we approve this Non-Binding SPSA Resolution and stay at the negotiating table.

Mayor Johnson-Ashburn asked if there were any questions concerning the Non-Binding SPSA Resolution.

Councilman McLemore asked if we do not sign this Non-Binding SPSA Resolution; can SPSA keep the City from participating even though we are under contract until 2018.

Manager Martin advised the City to approve the Non-Binding SPSA Resolution to ensure the City's participation in the negotiations for Post 2018. The City would still legally be a member of SPSA but the negotiations are not being done by the SPSA, so we may not be involved in the technical committee without the Resolution.

Mayor Johnson-Ashburn read the Non-Binding Resolution and then asked for a motion.

A motion was made by Councilman McLemore accepting the Non-Binding SPSA Resolution. The motion was seconded by Vice-Mayor Cheatham and passed with a 5-0 vote (Councilmen Burgess and Blythe absent).

City Manager's Report

HRTPO Transportation Funding MOA Update (HB 2313)

Manager Martin gave a review of highlights of the HRTPO Transportation Funding MOA update (HB 2313):

- Chapter 766, 2013 Virginia Acts of Assembly, effective July 1, 2013, codifies the enactment of HB 2313, establishing new revenues for transportation projects ("HB 2313 Revenues"), a portion of which will be deposited to a newly established Hampton Roads Transportation Fund (the "Fund") to be expended for projects in the Planning District 23
- HB2313 imposes certain taxes in those cities, counties and towns that will be deposited into the Fund, and be used for transportation projects in all localities
- Each locality shall appoint one individual to represent it and exercise the right of the locality to vote on the allocation of HB2313 funds before the HRTPO. The representative shall be an elected official appointed by the governing body of the locality
- The representatives of the localities shall be invited to attend all meetings of the HRTPO in which any allocation of HB2313 Funds are to be discussed

Mayor Johnson-Ashburn asked members of Council to take part in reading the proposed updated version of the HRTPO Transportation Funding MOA (HB 2313).

Councilman McLemore and Councilwoman Hilliard read excerpts of the MOA.

A motion was made by Councilman McLemore to adopt the HRTPO Transportation Funding MOA as updated (HB 2313). The motion was seconded by Councilwoman Murphy and passed with a 5-0 vote (Councilmen Burgess and Blythe absent).

Mayor Johnson-Ashburn stated Council needs to appoint a member of Council to represent the City of Franklin at the HRTPO Meetings and sit on the HRTPO Board.

A motion was made by Councilman McLemore to appoint Vice-Mayor Cheatham to represent the City of Franklin on the HRTPO Board. The motion was seconded by Councilwoman Hilliard and passed with a 5-0 vote (Councilman Burgess and Blythe absent).

Mayor Johnson-Ashburn stated Council also needed an alternate to serve at the HRTPO Meetings in the Vice-Mayor's absence and stated she would be glad to do so.

A motion was made by Vice-Mayor Cheatham to appoint Mayor Johnson-Ashburn as the alternate representative on the Board and to attend the HRTPO Meetings in the absence of the regular member. The motion was seconded by Councilwoman Hilliard and passed with a 5-0 vote (Councilmen Burgess and Blythe absent).

Councilman McLemore asked if Franklin and Southampton were considered separate localities or combined in the terms of the funding allocations and projects.

Manager Martin answered Franklin and Southampton will be considered separate entities based upon the staff interpretation of the agreement with separate funding set asides and project priorities, but the two entities could jointly fund projects if desired.

COUNCIL/STAFF REPORTS ON BOARDS AND COMMISSIONS

Vice-Mayor Cheatham informed Council of the Regional Jail Authority Meeting, where juvenile detention was the topic of discussion and it does not look to be cost effective at the moment. The juvenile numbers have reduced which would make it difficult to get funding for a separate facility in lieu of contracting with another jail to house juvenile inmates which is the current practice.

Mayor Johnson-Ashburn informed Council that she, Councilwomen Hilliard and Murphy attended Wal-Mart's Re-Grand Opening which was a nice event. Wal-Mart announced they were doing good things for the City including making a donation to the City of Franklin Police Department. Councilmen McLemore advised that he also attended the Wal-Mart Re-Grand Opening.

Vice-Mayor Cheatham announced the Restore Habitat Humanity would be having an Open House on Tuesday and Thursday but he was not sure of details. Anyone interested should contact the Restore for details.

ADJOURN

A motion was made by Vice-Mayor Cheatham to adjourn the Regular City Council Meeting. The motion was seconded by Councilman McLemore and passed with a 5-0 vote (Councilmen Burgess and Blythe absent).

The Regular City Council Meeting adjourned at 7:58 p.m.

FINANCIAL

A. Preliminary FY 2012-2013 End of Year Financial Report

OLD/NEW BUSINESS

- A. Farm Lease for Pretlow Industrial Park**
- B. City Manager's Report**



*Office Of The City Attorney
H. Taylor Williams, IV*

August 6, 2013

From: H. Taylor Williams, IV, City Attorney

To: Members of City Council

Re: Pretlow Farm Lease

Attached please find a copy of the Farm Lease for the Pretlow Farm for the period of time from 2008 thru 2012 for Brian Francis. Council reviewed this lease in September 2012 and voted to extend the lease for one additional year, 2013. A copy of the amendment is attached that extended the lease for the additional year. This amendment will expire at the end of 2013. It is recommended that the Council put the farm out for bids through advertisement and enter into a new lease for 4 years based on a sealed bid offer. In 2012, the farms on Fairview Drive and at the Airport were leased last year for 5 year terms. Leasing the Pretlow farm for 4 years would put all three farms back on the same rotation.

H. Taylor Williams, IV

FARM LEASE

THIS LEASE, made this ____ day of _____, 2007 by and between the City of Franklin, Virginia, a municipal corporation, 207 W. Second Avenue, Franklin, Virginia 23851 hereinafter referred to as "Landlord" and Brian Francis, hereinafter referred to as "Tenant".

WITNESSETH:

That for and in consideration of the mutual covenants and promises contained herein, the Landlord and Tenant agree as follows:

1. PREMISES

Landlord agrees to lease to Tenant the hereinafter-described premises subject to the terms and conditions herein set forth for a term commencing January 1, 2008 and ending December 31, 2012.

Approximately 184.79 acres of farm land and 26.81 acres of pasture land, consisting of portions of the Pretlow Industrial Park property located on the west side of Pretlow Street in the City of Franklin, Virginia.

2. RENT

Tenant shall pay Landlord \$ 76.33 per acre rent for 184.79 acres of farm land and 26.81 acres of pasture land for a total of \$16,151.43 per year for the demised property on the 1st day of December of each lease year.

3. RIGHT OF ENTRY

Landlord reserves the right for itself, its agents, employees and assigns, to enter upon the premises at any reasonable time to inspect the premises or make any tests it desires thereon.

4. CONTINUOUS OCCUPANCY

Tenant agrees that Tenant or Tenant's employees, agents or subcontractors shall possess and occupy the farm continuously during the term of this lease.

5. MAINTENANCE

Tenant shall maintain the premises in as good condition as the same are now, normal wear and tear and damage from causes beyond their control excepted, and they shall keep all ditch banks, fence rows and the roadside adjoining the premises free and clear of all weeds and brush.

6. HUSBANDRY

Tenant shall cultivate, fertilize and manage the farm and premises in a husbandly manner according to the most recently approved course of husbandry in order to conserve the premises.

7. GOVERNMENT RULES AND REGULATIONS

Tenant shall comply with all applicable local, state and federal laws and regulations and agricultural programs in farming the premises.

8. INDEMNIFICATION

Tenant assume all liability for any injury to or death of persons or damage to property that may arise on or about the premises caused by the negligence of Tenant, his employees, agents or subcontractors. Tenant shall indemnify Landlord against all claims or suits made or filed by or on behalf of persons so injured or killed or made or filed for damages to property and shall reimburse Landlord for any legal fees and/or costs incurred in defense of such claim or suit.

9. DEFAULT

Tenant agree that if he fails to comply with or perform any of the conditions, covenants or promises on their part to be complied with or performed in accordance with this lease and such default continues for fifteen (15) days after the receipt of a written notice thereof by Landlord, such written notice to be mailed by registered or certified mail to Tenant at the address set forth above, Landlord shall have the right to declare this lease terminated, and upon so declaring, Landlord shall have the right to immediately enter and possess the premises.

10. REPOSSESSION BY LANDLORD

In the event that Landlord needs all or a part of the demised premises during the term of this lease or any extension hereof for any industrial or commercial use, it may regain and repossess the property or the needed portion thereof by giving Tenant 60 days advance notice in writing of its need for the property and by paying Tenant the fair value of any crop lost due to the repossession of said property prior the expiration of this lease. Tenant agrees not to plant crops on such property after receipt of such notice.

11. ASSIGNMENT AND SUBLETTING

This lease shall not be sold, assigned or in any manner transferred or encumbered by Tenant, nor shall the premises or any part thereof be sublet, without Landlord's prior written consent.

12. NOTICE OF NONRENEWAL

In the event that Landlord decides not to renew or extend this lease or decides not to enter into a new lease for the subject farm to Tenant at the end of the lease period, Landlord agrees to notify Tenant thereof on or before September 30, 2012.

Witness the following signatures and seals:

The City of Franklin, Virginia
Landlord

By: _____
City Manager Date

Tenant Date

ADDENDUM TO FARM LEASE DATED DECEMBER 18, 2007
BETWEEN THE CITY OF FRANKLIN, VIRGINIA AND BRIAN FRANCIS

Whereas, the City of Franklin, Virginia and Brian Francis entered into a Farm Lease dated December 18, 2007, for a term commencing January 1, 2008 and ending December 31, 2012, to lease 184.79 acres of farm land and 26.81 acres of pasture land; and

Whereas, the Farm Lease provided that the lease could be extended pursuant to Paragraph 12 and the Franklin City Council did pass a motion at a Council meeting on September 24, 2012 agreeing to extend the farm lease pursuant to the same terms and conditions with the exception of the following changes:

- a. The farm land would be reduced from 184.79 acres by 29.793 acres under contract to The Hollingsworth Companies as shown on the attached map as allowed in Paragraph 10 of the lease;
- b. The tenant will operate the farm land in 2013 pursuant to a soil nutrient plan prepared for the farm;
- c. The tenant will release the City of Franklin, Virginia from any liability for loss of crop yield due to damage from a release of water from the Pretlow water tower and from liability for loss of crop yield due to damage from equipment used to conduct soil samples on the lots under contract to The Hollingsworth Companies pursuant to Paragraph 3 of the lease.

All other terms of the lease remain the same for the 2013 farming year. Farm rent for the 2012 farming year in the amount of \$16,151.43 is due on or before December 1, 2012.

Witness the following signatures and seals:

The City of Franklin, Virginia

By: _____

City Manager

Date

By: _____

Brian M. Francis, Tenant

Date

COUNCIL/STAFF REPORTS ON BOARDS AND COMMISSIONS